

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**Docket Number  
21790-08920

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on July 17, 2007

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Application Number  
**09/919,567**Filed  
**July 30, 2001**First Named Inventor  
**John J. Dooley**Art Unit  
**3627**Examiner  
**Michael A. Cuff**

This request is being filed with a notice of appeal.

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See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.

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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

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\*Total of 1 of 1 forms is submitted.

**REMARKS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW IN U.S. PATENT  
APPLICATION NO. 09/919,567 FILED ON 07/30/2001**

Pre-appeal brief review is appropriate in this application, because the rejections in the April 17, 2007 Final Office Action contain clear deficiencies. Tantry and DeLorme, separately, or in combination, fail to disclose the claimed limitations, as recited in claims 24-46, and thus *prima facie* obviousness required by MPEP §2143.03 has not been established.

**Response to Rejection Under 35 USC 103(a)**

Claims 24-46 were rejected under 35 USC § 103(a) as allegedly being unpatentable over U.S. Patent 5,398,336 (“Tantry”) in view of U.S. Patent No. 5,848,373 (“DeLorme”). This rejection is respectfully traversed.

As a preliminary matter, Applicants note that the grounds of rejection set forth in this section are cursory and appear directed entirely at the limitations of independent claim 24, and dependent claims 26, 27, and 29. In addition, the Examiner has not delineated which claims he believes each of the various aspects of the cited references show, but rather has made a blanket statement that, e.g., “Tantry et al. shows *all of limitations of the claims* except...” (emphasis added).

There is no specific discussion of the features of the other rejected claims. For example, independent claims 31 and 38 recite method steps (e.g., “*collecting* specification information...,” “*gathering* the specification information...,” “*creating* a description document...,” “*executing* an event handler...”); however, the Examiner’s rejection appears to contain only recitations of structures, e.g., the architecture of Tantry (only citation of this reference is to Figure 6, which

shows a system architecture). In addition, no computer-readable medium as part of a computer program product as claimed in independent claim 39 is shown by the Examiner. Finally, even aspects of independent system claim 46 that are different from claim 24 are not discussed in the Examiner's rejection, such as "a *plurality* of types of *automated* data source equipment" (emphasis added). Several features of the dependent claims also are not discussed (e.g., the use of UDAP).

Because of the many distinct features of these claims, the Examiner's omnibus rejection is improper. *See* MPEP § 707.07(d) ("A plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group."). For this reason, the Examiner is respectfully requested to withdraw the rejection of these claims.

Claim 24 recites, *inter alia*, "a *data center* coupled to the one or more site servers *configured to automatically generate a mapping table* which maps the event information, of the one or more site data appliances, to event handlers for execution in response to an event."

Tantry does not disclose a data center as claimed. The Examiner points only to the database (66) corresponding to this element. Applicants disagree with this characterization. A data center is clearly defined in the specification as "a data *processing* system." *See* para. [0025]. Tantry discloses only a standard relational database "*storing* a library of factory floor entitles [sic] modeled as factory objects" (col. 15, ll. 19-20; col. 17, ll. 51-52, emphasis added), i.e., a collection of data or information, which cannot be characterized as a structure that *processes* data. And while limitations from the specification should not be read into the claims, Applicants are permitted to act as their own lexicographers: "Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is

used in the claim.” MPEP 2111.01(IV), citing *Toro Co. v. White Consolidated Industries Inc.*, 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999) (meaning of words used in a claim is not construed in a “lexicographic vacuum, but in the context of the specification and drawings”).

In addition, the claim language explicitly requires that the data center be “*configured to automatically generate a mapping table...in response to an event.*” Tantry’s relational database cannot meet this element. In fact, by Examiner’s own admission, Tantry does *not* show “automatically generating a mapping table.” Official Action 9/27/2006, p. 2. As a result, Tantry does not disclose a data center as claimed.

DeLorme does not remedy this deficiency. As the Examiner admits, DeLorme discloses merely “a computer aided map location system...drawn to geography maps.” Official Action 9/27/2006 at p. 3. The Examiner asserts that DeLorme also “uses data mapping.” Applicants respectfully disagree. DeLorme discusses mapping data, i.e., data associated with mapping. The aspects of the invention that the Examiner points to (mapping data subsystem 210 and mapping display subsystem 213) are characterized as dealing with “mapping data *and other types of mappable inputs*” (emphasis added) as distinguished from nonmapping data. Col. 26, ll. 26-33. DeLorme, in these aspects or elsewhere, does not disclose *automatic generation of a mapping table...in response to an event.* Further, DeLorme also does not disclose a data center configured for such automatic generation, nor does the Examiner assert that it does.

The deficient disclosures of these references, considered either alone or in the combination suggested by the Examiner, thus fail to establish even a *prima facie* basis from which a proper determination of obviousness under 35 U.S.C. § 103(a) can be made.

Claim 31 recites:

A method in a supply chain network, the method comprising the steps of:  
collecting specification information, including event information, from one or more types of data source equipment at one or more site data appliances using a protocol;  
gathering the specification information from the one or more site data appliances at one or more site servers; and  
automatically generating a mapping table which maps the event information, of the one or more data appliances, to event handlers for execution in response to an event.

Tantry does not disclose “*collecting specification information, including event information, from one or more types of data source equipment at one or more site data appliances using a protocol*” as claimed. The Examiner points only to structures in Tantry that he argues show data source equipment, site data appliances, and protocol, referring only to Figure 6 (Office Action 9/27/2006 at p. 2), but makes no mention of the process of *collecting specification information* as claimed.

Tantry also does not disclose “*gathering the specification information from the one or more site data appliances at one or more site servers*” as claimed. The Examiner again points only to Tantry’s application servers (Office Action 9/27/2006 at p. 2), but makes no mention of the process of “*gathering the specification information*” as claimed.

Tantry also does not disclose “*automatically generating a mapping table...in response to an event*” as claimed, for the reasons described above in conjunction with claim 24, nor does the Examiner assert that it does.

DeLorme does not remedy these deficiencies. For the reasons discussed above, DeLorme does not show “*automatically generating a mapping table...in response to an event*” as claimed.

DeLorme, which discloses “a computer aided map location system...drawn to geography maps” (Official Action 9/27/2006 at p. 3), thus does not, and cannot, show “*collecting*” and “*gathering... specification information*” as claimed.

Thus, the Examiner has not established a *prima facie* case of obviousness under 35 U.S.C. § 103(a) for claim 31 either, as the references do not teach *any* of the claim elements. In addition, one of skill in the art would not be motivated to modify Tantry to include various aspects of DeLorme for the reasons discussed above.

Thus, Applicants submit that claim 31 is patentably distinguishable over the cited references for at least these reasons.

The above arguments presented for claim 31 apply to claim 39 as well, which recites: “A computer program product, comprising: a computer-readable medium having computer program logic embodied therein for, in a supply chain network,” as the logic is configured to perform the method steps of claim 31 described above. In addition, no computer-readable medium as claimed has been discussed by the Examiner with respect to the above-discussed functionality.

Thus, Applicants submit that claim 39 is patentably distinguishable over the cited references for at least these reasons.

Claim 38 recites:

A method in a supply chain network, comprising:  
creating a Description Document comprising specification information from one or more types of data source equipment using extensible markup language (XML), the specification information comprising information about events that each of the one or more types of data source equipment is capable of generating;  
sending the Description Document to a data center, wherein the data center generates a mapping table to map events with event handlers; and

receiving the mapping table at a site server associated with the one or more types of data source equipment; and  
executing an event handler responsive to receiving an event generated by the one or more types of data source equipment.

Tantry does not disclose “*creating a Description Document comprising specification information from one or more types of data source equipment ... comprising information about events that each of the one or more types of data source equipment is capable of generating*” as claimed. The Examiner apparently believes either the Application Engines or the widget library of Tantry to be equivalent to the Description Document, although it is unclear from the rejection which (Office Action 9/27/2006 at p. 2, “Application Engines bridge the user interface widget library (descriptions documents) with the factory services/factory object library.”). Neither Tantry’s Application Engines nor widget library can correctly be characterized as equivalent to a Description Document. The Description Document as claimed comprises “*specification information from one or more types of data source equipment... comprising information about events that each of the one or more types of data source equipment is capable of generating.*” By contrast, Tantry’s Application Engines are “part of the user interface,” “form the primary interaction with the end user,” and “are the background processes that process the user interaction further.” Col. 10, ll. 27-28, 44-46, 59-60. Also in contrast to a Description Document as claimed, Tantry’s widget library is not specifically define by Tantry, but is understood to be “a record ... of what machine worked on the widgets, at what point, what was the state of the environment during that work, what were the work instructions followed.” Col. 7, ll. 10-13. Thus, neither show a Description Document as claimed. Importantly, in either case, the Examiner provides no discussion of where the references disclosing *creating a Description Document* as required by claim 38.

Tantry also does not disclose “*sending the Description Document to a data center, wherein the data center generates a mapping table to map events with event handlers*” as claimed. Following the Examiner’s position regarding Tantry’s Application Engines or widget library (and Examiner’s position discussed above that the database is equivalent to the data center), Applicants note that *neither* are *sen[t]... to a data center* as claimed. As discussed above, Tantry shows neither *generat[ing] a mapping table* nor a *data center* that does such generating.

Tantry also does not disclose “*receiving the mapping table at a site server...*” as claimed, nor does the Examiner assert that it does.

DeLorme does not remedy these deficiencies. DeLorme, which discloses “a computer aided map location system...drawn to geography maps” (Official Action 9/27/2006 at p. 3), thus does not, and cannot, show “*creating a Description Document comprising specification information from one or more types of data source equipment*” nor “*sending the Description Document to a data center*” as claimed. For the reasons discussed above, DeLorme also does not show “*generat[ing] a mapping table*” nor a data center as claimed, and thus also does not show “*receiving the mapping table at a site server associated with the one or more types of data source equipment.*”

Thus, the Examiner has not established a *prima facie* case of obviousness under 35 U.S.C. § 103(a) for claim 38, as the references do not teach every claim limitation. In addition, one of skill in the art would not be motivated to modify Tantry to include various aspects of DeLorme for the reasons discussed above.



Thus, Applicants submit that claim 38 is patentably distinguishable over the cited references for at least these reasons.

Claim 46 recites:

A system in a supply chain network for configuring asset tracking, the system comprising:

- a plurality of types of automated data source equipment, each data source equipment having associated specification information for communicating with the system and event information for providing data to the system;
- one or more site data appliances, coupled to the automated data source equipment, the one or more site data appliances to collect specification information and event information, from the automated data source equipment;
- one or more site servers, coupled to one or more site data appliances, to generate a description document comprising the specification information from the one or more site data appliances; and
- a data center, coupled to the one or more site servers, configured to automatically generate a mapping table which maps the event information, of the one or more site data appliances, to event handlers in the description document for execution in response to an event, wherein the one or more site servers execute events in accordance with the description document.

The Examiner does not address in the rejection several features of claim 46 that are different from claim 24.

First, claim 46 recites “*a plurality of types of automated data source equipment....*” The Examiner points only to bar code readers (57) in the rejection regarding DSEs. However, the bar code reader of Tantry, *even if* equivalent to a DSE, represents only *one type* of device and cannot be characterized as *automated*, but rather is “data entry device” associated with a user (56). Col. 9, ll. 52-55 (“A second user 56 is also shown interacting with a different terminal--however, in this case the data entry device is a bar code reader device 57.”).

Tantry also does not disclose “*one or more site servers... to generate a description document comprising the specification information*” as claimed. For the reasons discussed above

in conjunction with claim 38, Tantry does not disclose a Description Document at all. In addition, Tantry's Application Servers (which Examiner alleges are equivalent to site servers) do not *generate* anything that could be properly characterized as a Description Document. (In fact, they do not even generate Application Engines or the user interface widget library, which the Examiner asserts as equivalent to a Description Document as discussed above.) Rather, the Application Servers of Tantry receive and complete application service requests, directly interact with factory objects, and create or modify factory objects. Col. 10, ll. 30-31, 40-44. This definition of Application Servers is inconsistent with the explicit claim language and with the usage of site server throughout the specification. *See, e.g.*, Figure 1.

In addition, the limitation that "*the one or more site servers execute events in accordance with the description document*" is not addressed by the Examiner. The Examiner alleges only that Tantry's Application Servers are equivalent to the claimed site servers, but does not address that the site servers *execute events* as required by claim 46. The Application Servers of Tantry do not provide this functionality, as described above.

Finally, the Examiner does not discuss that the claim recites "*each data source equipment having associated specification information for communicating **with the system** and event information for providing data **to the system***" (i.e., the system in a supply chain network for configuring asset tracking). Applicants submit that Tantry, which discloses "an object-oriented architecture for factory floor management" (Title), does not show these aspects of the claimed invention, as Tantry does not pertain to supply chains and/or asset tracking.

DeLorme does not remedy these deficiencies. DeLorme's "computer aided map location system" (Official Action 9/27/2006 at p. 3) does not disclose "*a plurality of types of automated*

*data source equipment having associated specification information for communicating with the system and event information for providing data to the system,” “one or more site servers... to generate a description document comprising the specification information,” nor “the one or more site servers execute events in accordance with the description document.”*

Thus, the Examiner has not established a *prima facie* case of obviousness under 35 U.S.C. § 103(a) for claim 46, as the references do not teach every claim limitation. In addition, the arguments discussed above in conjunction with claim 24 apply to claim 46 for the elements common between these claims.

Thus, Applicants submit that claim 46 is patentably distinguishable over the cited references for at least these reasons.

Further, one of skill in the art would not be motivated to modify Tantry to include various aspects of DeLorme for the reasons discussed above. In addition, the suggested modification is even less likely in the context of claim 46. Because the claim is directed to “*A system in a supply chain network for configuring asset tracking,*” it is unlikely that one of skill in the art of the claimed invention (i.e., the art of data processing for inventory management, class/subclass 705/028) would look to *either* the art of Tantry (data navigation processing (class/subclass 701/200)) *or* DeLorme (data navigation processing (class/subclass 701/200)), no less *both* of these tangential fields.

Thus, claim 46 is patentably distinguishable over the cited references, considered alone or in the combination suggested by the Examiner, for at least this additional reason.

Claims 25-30, 32-37, and 40-45 respectively depend from claims 24, 31, and 39, which were shown above to be patentable over the cited references. In addition, these claims recite additional features not shown in the cited references such as accessing the Description Document with a portable device (and the device therefore), and communication by UDAP (a novel protocol, *see* Specification, para. [0029] – [0045]). For these reasons, Applicants submit that claims 25-30, 32-37, and 40-45 also are patentably distinguishable over the cited references.

In sum, Applicants respectfully submit that claims 24 through 46 are patentably distinguishable over the cited references, considered alone or in the suggested combination. Therefore, Applicants request review of the final rejections in this application.

Respectfully submitted,  
John J. Dooley et al.

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